S.B. Criminal Misc. Bail Application No.3909/2006

Date : 06.09.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. R.K. Charan for the applicant.

Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that no contraband material was recovered from the applicant and only on the statement of co-accused that he made telephoned to the applicant, he was arrested. He further submits that no investigation is to be made from the applicant and he is in jail, therefore, he may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me

and perused the material available on record.

Taking into consideration overall facts and circumstances of the case, I deem it just and proper to allow the bail application. Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Gagan Vaishnav son of Devendra Vaishnav shall be released on bail in FIR No.21/2004 P.S. Bhadsoda, District Chittorgarh, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

vijayant